# CCRB INVESTIGATIVE RECOMMENDATION

<b>T</b>		<b>T</b>	I GGDD G #	1_			D'	_	TIG
Investigator:		Team:	CCRB Case #:	M	Force		Discourt.	Ш	U.S.
Benjamin Shelton		Squad #6	201809508	Ø	Abuse		O.L.		Injury
Incident Date(s)		Location of Incident:		F	Precinct:	18 N	Mo. SOL	I	EO SOL
Monday, 11/05/2018 10:15 PM					19	5/	5/2020	12	2/20/2020
Date/Time CV Reported		CV Reported At:	How CV Reported:	:	Date/Time	Recei	ved at CCI	RB	
Wed, 11/14/2018 4:45 AM		CCRB	On-line website		Wed, 11/1	4/2018	3 4:45 AM	1	
Complainant/Victim	Type	Home Addre	ess						
Subject Officer(s)	Shield	TaxID	Command						
1. POM Omar Ibrahim	22199	963075	019 PCT						
2. POM Osmairy Castillo	08080	963440	019 PCT						
3. POM James Willer	18114	927672	019 PCT						
4. POM Patrick Conley	00871	946628	019 PCT						
5. POM Harley Greco	10322	965154	019 PCT						
Witness Officer(s)	Shield N	o Tax No	Cmd Name						
1. SGT Joshep Palaguachi	04815	950999	019 PCT						
Officer(s)	Allegatio	on			Inve	stigat	tor Recon	nme	ndation
A.POM Omar Ibrahim	Abuse: P	olice Officer Omar Ibra	him drew his gun.						
B.POM Omar Ibrahim	Abuse: Police Officer Omar Ibrahim forcibly removed to the hospital.			ed					
C.POM Omar Ibrahim	Force: Po	olice Officer Omar Ibrah s breathing.	nim restricted § 87(2)(b)						
D.POM Osmairy Castillo	Force: Police Officer Osmairy Castillo restricted 887(2)(b) s breathing.			2)(b)					
E.POM Patrick Conley	Force: Po	olice Officer Patrick Constructions	nley restricted § 87(2)(b	))					
F.POM Harley Greco	Force: Po	olice Officer Harley Gress breathing.	eco restricted § 87(2)(b)						
G.POM James Willer	Abuse: P § 87(2)(b)	olice Officer James Wil	ller threatened to arro	est					

## **Case Summary**

On November 14, 2018, \$87(2)(6) filed the following complaint with the CCRB via the agency's website.

On November 5, 2018, at approximately 10:12 p.m., §87(2)(6) was driving when he was stopped on Lexington Avenue between East 86<sup>th</sup> Street and East 85<sup>th</sup> Street by PO Omar Ibrahim and PO Osmairy Castillo from the 19<sup>th</sup> Precinct. §87(2)(b) exited his vehicle as the two officers approached him, and PO Ibrahim drew his gun (Allegation A: Abuse of authority, ). While speaking to PO Ibrahim and PO Castillo, \$87(2)(b) told officers that they would ruin his life and that he would need to kill himself. PO Ibrahim requested additional units and officers including PO Patrick Conley, PO Harley Greco, PO James Willer, and Sgt. Joshep Palaguachi from the 19<sup>th</sup> Precinct responded to the location. When § 87(2)(b) was going to kill himself, PO Ibrahim requested an ambulance (Allegation B: Abuse of authority, \$87(2)(9). PO Ibrahim, PO Castillo, PO Conley, and PO Greco used physical force into handcuffs. §87(2)(b) complained that he could not breathe while being handcuffed (Allegations C-F: Force, \$87(2)(9) ). PO Willer told § 87(2)(b) he was going to be "locked up" (Allegation G, Abuse of authority, § 87(2)(9) ). EMTs arrived on scene and determined that § 87(2)(b) needed to be taken to a hospital and he was subsequently transported to § 87(2)(b) Manhattan.

A Vehicle and Traffic Law (VTL) summons was issued to \$87(2)(b) during the incident for failure to obey a traffic device (Board Review 01).

Body-worn camera footage of the incident was provided by IAB (Board Review 02-04). Pertinent portions of that footage are noted and used in the analysis below.

#### **Findings and Recommendations**

#### Allegation A – Abuse of authority: Police Officer Omar Ibrahim drew his gun.

Video footage obtained for this incident, captured by PO Castillo's body-worn camera and provided by IAB, shows PO Castillo and PO Ibrahim exit their vehicle after pulling over so vehicle (Board Review 05). There is no audio for the first 30 seconds of footage.

When PO Castillo exits, \$87(2)(0) is already out of his vehicle and he begins walking toward the officers and briefly places his hands in his pockets. PO Castillo puts his arm out with his palm toward \$87(2)(0) PO Ibrahim is then seen holding his firearm in his left hand, guarding the top of the firearm with his right hand. PO Ibrahim aims the muzzle toward the ground. Takes a few more steps toward the officers before he returns to his vehicle. Officers then approach \$87(2)(0) s vehicle, with PO Ibrahim's left hand and firearm going out of frame. PO Castillo and PO Ibrahim advise \$87(2)(0) to take his hands out of his pockets and not to leave his vehicle when he is stopped by police. When PO Ibrahim's left hand is next seen, he is no longer holding his firearm.

testified that he did not know he was being pulled over by police officers, but stopped on Lexington Avenue so that he could park (Board Review 06-07). § 87(2)(b) exited his vehicle to inspect how much space he had to park. As soon as he exited, PO Ibrahim

Page 2

1 11' 1' 1' 1 1 1 1 1 1 1 1 1
ordered him to return to his vehicle and take his hands out of his pockets. When \$87(2)(b)
turned to look at PO Ibrahim, the officer had his hand on his holstered firearm. §87(2)(b)
never alleged that PO Ibrahim or any other officer drew their weapon.
PO Ibrahim testified that when he and PO Castillo were exiting their vehicle after
stopping \$87(2)(b) s vehicle, \$87(2)(b) exited his vehicle (Board Review 08).
then ran at officers, yelling at them in an angry and hysterical manner while keeping his
hands in his pockets. PO Castillo and PO Ibrahim ordered §87(2)(b) to return to his vehicle
multiple times, but \$87(2)(b) did not immediately comply. Due to \$87(2)(b) s agitated
demeanor, fast approach, and concealed hands, \$87(2)(b) posed a potentially imminent danger
to officers. PO Ibrahim noted, based on his training and experience, an individual with their hands
in their pockets could be concealing a knife or other weapon. Due to this potential threat, PO
Ibrahim drew his firearm and aimed it toward the ground. § 87(2)(b) returned to his vehicle.
Once PO Ibrahim was at the side of \$87(2)(b) s vehicle and saw that \$87(2)(b) had
removed his hands from his pockets, PO Ibrahim re-holstered his firearm. PO Ibrahim estimated
he drew his firearm for less than a minute.
Patrol Guide Procedure 221-01 concerning force guidelines notes that officers may
display or draw a firearm if there is an articulable belief that the potential for serious physical
injury is present (Board Review 09).  § 87(2)(9)
g or (2)(g)
All and a D. Alaman for all and a D. P. Alaman for a D. P. Al
Allegation B – Abuse of authority: Police Officer Omar Ibrahim forcibly removed to the hospital.
It is undisputed that \$87(2)(6) told officers multiple times that because of the incident,
he would need to kill himself (Board Review 10-14). Several officers, including PO Conley, PO
Greco, Sgt. Palaguachi, and PO Willer arrived on scene as PO Ibrahim had requested additional
units to his and PO Castillo's location. PO Ibrahim, due to \$87(2)(5) s continuous suicidal
statements as well as \$87(2)(b) so overall agitated demeanor, called over the radio to request an
ambulance. While Sgt. Palaguachi was on scene when PO Ibrahim made this call, he was not
consulted beforehand. When \$87(2)(b) expressed that he did not want to go the hospital, PO
Ibrahim, PO Castillo, PO Conley, and PO Greco all assisted in placing §87(2)(b) in handcuffs.
Officers escorted him to an ambulance once it arrived. The EMS unit then decided to take
to a hospital for further evaluation.
Video footage obtained for this incident, captured by PO Castillo's body-worn camera
and provided by IAB, shows PO Ibrahim ordering \$87(2)(b) to hand over his registration
(Board Review 15). PO Ibrahim warns \$87(2)(b) that if he keeps, "acting like this, I'm going
to send you to the hospital." § 87(2)(b) responds, "I'm going to have to commit suicide."
Another officer tells \$87(2)(b) that he is going to the hospital. PO Ibrahim then calls over the

CCRB Case # 201809508

Page 3

radio for an ambulance. Sgt. Palaguachi is seen in the background observing the situation. PO
Conley pulls \$87(2)(b) who is seated in his vehicle's driver's seat, up and out of the vehicle
by pulling on both of his forearms, PO Conley turns \$37(2)(0) around while pulling \$
s right arm behind his back. \$37(2)(b) resists being turned around, and braces his left
arm against the side of his vehicle. At no other point is it depicted that §87(2)(6) is placed
against an inanimate object. PO Castillo also grabs \$87(2)(b) s right arm. Sgt. Palaguachi is
shown in close quarters to \$87(2)(b) but it is unclear how he physically interacts with
PO Greco and PO Ibrahim are shown holding \$87(2)(b) s left arm while handcuffs
are being placed on \$87(2)(b) PO Greco passes a second pair of handcuffs to PO Castillo or
PO Conley. \$87(2)(0) is then successfully double-cuffed. Other than officers lightly holding
s upper arm while waiting for the ambulance then escorting him to EMS, no other
physical interaction is depicted in the available footage between \$87(2)(b) and officers.
Patrol Guide Procedure 221-13 concerning mentally ill or emotionally disturbed person
(EDP) defines an EDP as a person who appears to be mentally ill or temporarily deranged and is
conducting himself in a manner which an officer reasonably believes is likely to result in serious
injury to himself or others (Board Review 16). Physical force will be used only to the extent
necessary to restrain the subject until delivered to a hospital. Restraining equipment such as
handcuffs may be used if the patient resists.
8 07 (2)(9)
§ 87(2)(g)
Allegation C – Force: Police Office Omar Ibrahim restricted \$87(2)(b)
Allegation D – Force: Police Office Osmairy Castillo restricted \$87(2)(6)
breathing.
Allegation E – Force: Police Office Patrick Conley restricted \$ 87(2)(b)
Allegation E – Force: Police Office Patrick Conley restricted \$87(2)(b) s breathing.  Allegation F – Force: Police Office Harley Greco restricted \$87(2)(b) s breathing.
Allegation F – Force: Police Office Harley Greco restricted \$87(2)(b)
Allegation F – Force: Police Office Harley Greco restricted \$87(2)(b) s breathing.  In the video footage analyzed in the above section, \$87(2)(b) is heard stating, "I can't
Allegation F – Force: Police Office Harley Greco restricted \$87(2)(b) s breathing.  In the video footage analyzed in the above section, \$87(2)(b) is heard stating, "I can't breathe," while officers place him in handcuffs. PO Castillo's body-worn camera does not show
Allegation F – Force: Police Office Harley Greco restricted \$\frac{8}{87(2)(b)}\$ s breathing.  In the video footage analyzed in the above section, \$\frac{8}{87(2)(b)}\$ is heard stating, "I can't breathe," while officers place him in handcuffs. PO Castillo's body-worn camera does not show the specific positioning and actions of officers at this point, or the positioning of \$\frac{8}{87(2)(b)}\$ s
Allegation F – Force: Police Office Harley Greco restricted \$87(2)(b) s breathing.  In the video footage analyzed in the above section, \$87(2)(b) is heard stating, "I can't breathe," while officers place him in handcuffs. PO Castillo's body-worn camera does not show the specific positioning and actions of officers at this point, or the positioning of \$87(2)(b) s body, other than PO Conley and PO Castillo pulling \$87(2)(b) s right arm behind his back.
Allegation F – Force: Police Office Harley Greco restricted \$\frac{8}{37(2)(b)}\$ s breathing.  In the video footage analyzed in the above section, \$\frac{37(2)(b)}{37(2)(b)}\$ is heard stating, "I can't breathe," while officers place him in handcuffs. PO Castillo's body-worn camera does not show the specific positioning and actions of officers at this point, or the positioning of \$\frac{8}{37(2)(b)}\$ s body, other than PO Conley and PO Castillo pulling \$\frac{8}{37(2)(b)}\$ s right arm behind his back.  Directly before and after \$\frac{8}{37(2)(b)}\$ s statement, the front of his body is not shown pressed
Allegation F – Force: Police Office Harley Greco restricted \$87(2)(b) s breathing.  In the video footage analyzed in the above section, \$87(2)(b) is heard stating, "I can't breathe," while officers place him in handcuffs. PO Castillo's body-worn camera does not show the specific positioning and actions of officers at this point, or the positioning of \$87(2)(b) s body, other than PO Conley and PO Castillo pulling \$87(2)(b) s right arm behind his back.

Page 4

did not raise these allegations during any of his statements. However, he
stated that the front of his body made contact with his vehicle while officers placed his hands behind his back.
PO Ibrahim, PO Castillo, PO Conley, and PO Greco all stated that they themselves, or
any other officer, did not take any actions that would have restricted § 87(2)(b) streams breathing.
Only PO Greco recalled the front of \$87(2)(b) storso being placed against a vehicle during
the handcuffing, but clarified that it would not have been with enough force to restrict
s breathing. Upon viewing the above-referenced footage, PO Greco amended his
testimony and stated that the front of \$87(2)(b) s torso was not placed against any vehicle.
Sgt. Palaguachi did not recall if the front of \$87(2)(b) s torso was placed against a vehicle
while he was handcuffed, but stated that no officer restricted \$87(2)(b) s breathing. PO Willer
did not recall any actions by other officers that would have restricted \$87(2)(b) so breathing.
§ 87(2)(g)
§ 87(2)(g)
Allogation ( \times A bugg of authority: Police Officer James Willer threatened to arrest \$27/200
Allegation G – Abuse of authority: Police Officer James Willer threatened to arrest 887(2)(b)
Video footage obtained for this incident, captured by PO Castillo's body-worn camera
Video footage obtained for this incident, captured by PO Castillo's body-worn camera and provided by IAB, shows \$87(2)(b) in handcuffs, telling PO Ibrahim that passers-by told
Video footage obtained for this incident, captured by PO Castillo's body-worn camera and provided by IAB, shows (1970) in handcuffs, telling PO Ibrahim that passers-by told officers they should not have acted the way they did (Board Review 17). PO Ibrahim explains
Video footage obtained for this incident, captured by PO Castillo's body-worn camera and provided by IAB, shows in handcuffs, telling PO Ibrahim that passers-by told officers they should not have acted the way they did (Board Review 17). PO Ibrahim explains that the passers-by are of no concern to officers. They then have a small back-and-forth regarding
Video footage obtained for this incident, captured by PO Castillo's body-worn camera and provided by IAB, shows 187(2)(b) in handcuffs, telling PO Ibrahim that passers-by told officers they should not have acted the way they did (Board Review 17). PO Ibrahim explains that the passers-by are of no concern to officers. They then have a small back-and-forth regarding the appropriateness of the officers' actions, before 187(2)(b) asks Sgt. Palaguachi to get PO
Video footage obtained for this incident, captured by PO Castillo's body-worn camera and provided by IAB, shows in handcuffs, telling PO Ibrahim that passers-by told officers they should not have acted the way they did (Board Review 17). PO Ibrahim explains that the passers-by are of no concern to officers. They then have a small back-and-forth regarding the appropriateness of the officers' actions, before structured by PO Castillo's body-worn camera in handcuffs, telling PO Ibrahim explains that the passers-by are of no concern to officers. They then have a small back-and-forth regarding the appropriateness of the officers' actions, before structured by PO Castillo's body-worn camera and provided by IAB, shows structured by PO Castillo's body-worn camera and provided by IAB, shows structured by PO Castillo's body-worn camera and provided by IAB, shows structured by PO Ibrahim that passers-by told officers they should not have acted the way they did (Board Review 17). PO Ibrahim explains that the passers-by are of no concern to officers. They then have a small back-and-forth regarding the appropriateness of the officers' actions, before structured by PO Ibrahim away from him. PO Ibrahim then leaves the immediate vicinity of structured by PO Ibrahim then leaves the immediate vicinity of structured by PO Ibrahim then leaves the immediate vicinity of structured by PO Ibrahim then leaves the immediate vicinity of structured by PO Ibrahim then leaves the immediate vicinity of structured by PO Ibrahim then leaves the immediate vicinity of structured by PO Ibrahim then leaves the immediate vicinity of structured by PO Ibrahim then leaves the immediate vicinity of structured by PO Ibrahim then leaves the immediate vicinity of structured by PO Ibrahim that passers-by told of structured by PO Ibrahim that passers-by told of structured by PO Ibrahim that passers-by told of structured by PO Ibrahim that passers by PO
Video footage obtained for this incident, captured by PO Castillo's body-worn camera and provided by IAB, shows in handcuffs, telling PO Ibrahim that passers-by told officers they should not have acted the way they did (Board Review 17). PO Ibrahim explains that the passers-by are of no concern to officers. They then have a small back-and-forth regarding the appropriateness of the officers' actions, before street asks Sgt. Palaguachi to get PO Ibrahim away from him. PO Ibrahim then leaves the immediate vicinity of street told street that, after he was placed in handcuffs, PO Willer told street.
Video footage obtained for this incident, captured by PO Castillo's body-worn camera and provided by IAB, shows \$87(2)(6) in handcuffs, telling PO Ibrahim that passers-by told officers they should not have acted the way they did (Board Review 17). PO Ibrahim explains that the passers-by are of no concern to officers. They then have a small back-and-forth regarding the appropriateness of the officers' actions, before \$87(2)(6) asks Sgt. Palaguachi to get PO Ibrahim away from him. PO Ibrahim then leaves the immediate vicinity of \$87(2)(6) stated that, after he was placed in handcuffs, PO Willer told \$87(2)(6) that he was "going to be locked up." \$87(2)(6) asked the other officers on scene if PO Willer
Video footage obtained for this incident, captured by PO Castillo's body-worn camera and provided by IAB, shows \$87(2)(b) in handcuffs, telling PO Ibrahim that passers-by told officers they should not have acted the way they did (Board Review 17). PO Ibrahim explains that the passers-by are of no concern to officers. They then have a small back-and-forth regarding the appropriateness of the officers' actions, before \$87(2)(b) asks Sgt. Palaguachi to get PO Ibrahim away from him. PO Ibrahim then leaves the immediate vicinity of \$87(2)(b) stated that, after he was placed in handcuffs, PO Willer told \$87(2)(b) asked the other officers on scene if PO Willer could move away from him. PO Willer subsequently moved.
Video footage obtained for this incident, captured by PO Castillo's body-worn camera and provided by IAB, shows in handcuffs, telling PO Ibrahim that passers-by told officers they should not have acted the way they did (Board Review 17). PO Ibrahim explains that the passers-by are of no concern to officers. They then have a small back-and-forth regarding the appropriateness of the officers' actions, before street asks Sgt. Palaguachi to get PO Ibrahim away from him. PO Ibrahim then leaves the immediate vicinity of stated that, after he was placed in handcuffs, PO Willer told street asked the other officers on scene if PO Willer could move away from him. PO Willer subsequently moved.  PO Willer denied ever threatening arrest upon street in any way, including telling
Video footage obtained for this incident, captured by PO Castillo's body-worn camera and provided by IAB, shows in handcuffs, telling PO Ibrahim that passers-by told officers they should not have acted the way they did (Board Review 17). PO Ibrahim explains that the passers-by are of no concern to officers. They then have a small back-and-forth regarding the appropriateness of the officers' actions, before street, asks Sgt. Palaguachi to get PO Ibrahim away from him. PO Ibrahim then leaves the immediate vicinity of stated that, after he was placed in handcuffs, PO Willer told street, asked the other officers on scene if PO Willer could move away from him. PO Willer subsequently moved.  PO Willer denied ever threatening arrest upon street, and not recall interacting at all with street.
Video footage obtained for this incident, captured by PO Castillo's body-worn camera and provided by IAB, shows in handcuffs, telling PO Ibrahim that passers-by told officers they should not have acted the way they did (Board Review 17). PO Ibrahim explains that the passers-by are of no concern to officers. They then have a small back-and-forth regarding the appropriateness of the officers' actions, before street asks Sgt. Palaguachi to get PO Ibrahim away from him. PO Ibrahim then leaves the immediate vicinity of stated that, after he was placed in handcuffs, PO Willer told street that he was "going to be locked up." street asked the other officers on scene if PO Willer could move away from him. PO Willer subsequently moved.  PO Willer denied ever threatening arrest upon street upon street in any way, including telling him that he was going to be locked up. He did not recall interacting at all with street. No officer heard any other officer threaten to arrest street.
Video footage obtained for this incident, captured by PO Castillo's body-worn camera and provided by IAB, shows in handcuffs, telling PO Ibrahim that passers-by told officers they should not have acted the way they did (Board Review 17). PO Ibrahim explains that the passers-by are of no concern to officers. They then have a small back-and-forth regarding the appropriateness of the officers' actions, before stated that asks Sgt. Palaguachi to get PO Ibrahim away from him. PO Ibrahim then leaves the immediate vicinity of stated that, after he was placed in handcuffs, PO Willer told stated that he was "going to be locked up." stated that he was placed in handcuffs, PO Willer told stated that he was going to be locked up." stated that he was going to be locked up. The did not recall interacting at all with stated that he was going to be locked up. He did not recall interacting at all with stated that he was going to be locked up. He did not recall interacting at all with stated that he was going to be locked up.
Video footage obtained for this incident, captured by PO Castillo's body-worn camera and provided by IAB, shows (12)(10) in handcuffs, telling PO Ibrahim that passers-by told officers they should not have acted the way they did (Board Review 17). PO Ibrahim explains that the passers-by are of no concern to officers. They then have a small back-and-forth regarding the appropriateness of the officers' actions, before (12)(10) asks Sgt. Palaguachi to get PO Ibrahim away from him. PO Ibrahim then leaves the immediate vicinity of (12)(10) stated that, after he was placed in handcuffs, PO Willer told (13)(10) asked the other officers on scene if PO Willer could move away from him. PO Willer subsequently moved.  PO Willer denied ever threatening arrest upon (13)(10) in any way, including telling him that he was going to be locked up. He did not recall interacting at all with (13)(10) in any way, including telling him that he was going to be locked up.  (14) (15) (16) (17) (17) (17) (17) (17) (17) (17) (17
Video footage obtained for this incident, captured by PO Castillo's body-worn camera and provided by IAB, shows \$\frac{87(2)(0)}{2}\$ in handcuffs, telling PO Ibrahim that passers-by told officers they should not have acted the way they did (Board Review 17). PO Ibrahim explains that the passers-by are of no concern to officers. They then have a small back-and-forth regarding the appropriateness of the officers' actions, before \$\frac{87(2)(0)}{2}\$ asks Sgt. Palaguachi to get PO Ibrahim away from him. PO Ibrahim then leaves the immediate vicinity of \$\frac{87(2)(0)}{2}\$ stated that, after he was placed in handcuffs, PO Willer told \$\frac{87(2)(0)}{2}\$ that he was "going to be locked up." \$\frac{87(2)(0)}{2}\$ asked the other officers on scene if PO Willer could move away from him. PO Willer subsequently moved.  PO Willer denied ever threatening arrest upon \$\frac{87(2)(0)}{2}\$ in any way, including telling him that he was going to be locked up. He did not recall interacting at all with \$\frac{87(2)(0)}{2}\$ in any way, including telling him that he was going to be locked up.  \$\frac{87(2)(0)}{2}\$ stated that he only asked PO Willer to move away from him after the threat of arrest. The above-referenced footage shows \$\frac{87(2)(0)}{2}\$ unhappy with PO Ibrahim, request
Video footage obtained for this incident, captured by PO Castillo's body-worn camera and provided by IAB, shows for in handcuffs, telling PO Ibrahim that passers-by told officers they should not have acted the way they did (Board Review 17). PO Ibrahim explains that the passers-by are of no concern to officers. They then have a small back-and-forth regarding the appropriateness of the officers' actions, before for asks Sgt. Palaguachi to get PO Ibrahim away from him. PO Ibrahim then leaves the immediate vicinity of stated that, after he was placed in handcuffs, PO Willer told for asked the other officers on scene if PO Willer could move away from him. PO Willer subsequently moved.  PO Willer denied ever threatening arrest upon stated interacting at all with for in any way, including telling him that he was going to be locked up. He did not recall interacting at all with stated that he was going to be locked up.  Stated that he only asked PO Willer to move away from him after the threat of arrest. The above-referenced footage shows stated that he move away. At no other point in the available footage does stated that any
Video footage obtained for this incident, captured by PO Castillo's body-worn camera and provided by IAB, shows [87(200]] in handcuffs, telling PO Ibrahim that passers-by told officers they should not have acted the way they did (Board Review 17). PO Ibrahim explains that the passers-by are of no concern to officers. They then have a small back-and-forth regarding the appropriateness of the officers' actions, before [87(200]] asks Sgt. Palaguachi to get PO Ibrahim away from him. PO Ibrahim then leaves the immediate vicinity of [87(2)(0)]  stated that, after he was placed in handcuffs, PO Willer told [87(2)(0)]  that he was "going to be locked up." [87(2)(0)] asked the other officers on scene if PO Willer could move away from him. PO Willer subsequently moved.  PO Willer denied ever threatening arrest upon [87(2)(0)] in any way, including telling him that he was going to be locked up.  [87(2)(0)] In any way, including telling him that he was going to be locked up.  [87(2)(0)] stated that he only asked PO Willer to move away from him after the threat of arrest. The above-referenced footage shows [87(2)(0)] unhappy with PO Ibrahim, request that he move away. At no other point in the available footage does [87(2)(0)] request that any other officer to move away from him nor is an officer depicted threatening to arrest [87(2)(0)]
Video footage obtained for this incident, captured by PO Castillo's body-worn camera and provided by IAB, shows for in handcuffs, telling PO Ibrahim that passers-by told officers they should not have acted the way they did (Board Review 17). PO Ibrahim explains that the passers-by are of no concern to officers. They then have a small back-and-forth regarding the appropriateness of the officers' actions, before for asks Sgt. Palaguachi to get PO Ibrahim away from him. PO Ibrahim then leaves the immediate vicinity of stated that, after he was placed in handcuffs, PO Willer told for asked the other officers on scene if PO Willer could move away from him. PO Willer subsequently moved.  PO Willer denied ever threatening arrest upon stated interacting at all with for in any way, including telling him that he was going to be locked up. He did not recall interacting at all with stated that he was going to be locked up.  Stated that he only asked PO Willer to move away from him after the threat of arrest. The above-referenced footage shows stated that he move away. At no other point in the available footage does stated that any

Page 5

# **Civilian and Officer CCRB Histories**

- § 87(2)(b)
- PO Ibrahim has been a member of service for two years and this is the first CCRB complaint in which he has been named a subject (see officer history).
- PO Castillo has been a member of service for one year and this is the first CCRB complaint in which he has been named a subject (see officer history).
- PO Conley has been a member of service for 10 years and has been a subject of six other allegations in four other CCRB complaints with no substantiations (see officer history).
- PO Greco has been a member of service for one year and this is the first CCRB complaint in which he has been named a subject (see officer history).
- PO Willer has been a member of service for 18 years and has been a subject of 21 other allegations in 13 other CCRB complaints with no substantiations (see officer history).

## **Mediation, Civil and Criminal Histories**

- §87(2)(b) declined to mediate this complaint.
- A FOIL request was submitted with the New York City Office of the Comptroller for a Notice of Claim on March 13, 2019, and will be added to the case file upon receipt.
- According to the Office of Court Administration, [867(2)(6)] has no criminal convictions within New York City as of March 13, 2019 (Board Review 19).

Squad No.:	<u>6</u>		
Investigator: _	Signature	Inv. Benjamin Shelton Print Title & Name	Date
Squad Leader: <sub>-</sub>	Signature	IM Jessica Peña Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	Date

Page 6